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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ALAN B. McREYNOLDS,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

14 Defendant.
15

CASE NO. 11-cv-05306-RBL-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,
18 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on
19 defendant's stipulated motion to remand the matter to the Commissioner for further
20 consideration. (ECF No.18.)

21 Based on the stipulation of the parties, this Court recommends that the Commissioner's
22 decision in regard to Plaintiff's applications for disability insurance benefits and supplemental
23 security income payments under Titles II and XVI of the Social Security Act be REVERSED
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1 and REMANDED to the Commissioner of Social Security for further administrative proceedings
2 before an Administrative Law Judge ("ALJ"), including a new hearing and a new decision.

3 The new hearing should be limited to consideration of the time period of June 24, 2004
4 through May 13, 2008: the ALJ's finding of disability for the time period since May 14, 2008,
5 should not be disturbed. On remand, the ALJ should consider the evidence submitted to the
6 Social Security Administration from Behavioral Health Resources, properly mark the exhibit list,
7 and take any other action necessary to complete the administrative record.

8 This Court recommends that the Commissioner's decision be reversed under sentence
9 four of 42 U.S.C. §405(g) with a remand of the case to the Commissioner for further
10 proceedings. See, Melkonyan v. Sullivan, 501 U.S. 89 (1991). Plaintiff should be entitled to
11 reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. §
12 2412(d), following proper request to this Court. This Court further recommends that the ALJ
13 take any other actions necessary to develop the record. In addition, Plaintiff should be allowed
14 to submit additional evidence and arguments to the ALJ on remand.

15 Given the facts and the parties' stipulation, the Court recommends that the District Judge
16 immediately approve this Report and Recommendation and order that the case be **REVERSED**
17 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 9th day of January, 2012.

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21 J. Richard Creatura
22 United States Magistrate Judge
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